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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,595	04/23/2001	Arthur Norman Redlich	11777/46201	3818
26646	7590	02/06/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/840,595

Applicant(s)

REDLICH ET AL.

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 13, 14, 16, 17, 20, 21, 24 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Trade dress is not addressed in the detailed specification, but is used numerous times in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Planet 9 studios.

In regards to claim 1, Planet 9 studios discloses a method for generating a photorealistic, 3-d model of the entity, wherein the photorealistic, 3-d model

corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See Figure 1). They further disclose a method for receiving at least one navigation parameter, wherein the navigation parameter corresponds to an orientation of the entity (See Figure 1, Element 1). They further disclose a method for receiving at least one interaction parameter, wherein the interaction parameter corresponds to an action relative to the entity (See Figure 1, Element 2). They further disclose a method for displaying a photorealistic, 3-d image of the entity as a function of the navigation parameter, the interaction parameter, and the information for rendering a graphical representation of the entity (See Figure 1).

In regards to claim 2, Planet 9 Studios discloses that the interaction parameter corresponds to a trip planning action (See figure 1, element 2).

In regards to claim 3, Planet 9 Studios discloses that the interaction parameter (See figure 2, Element 2) corresponds to a route marking action (See Figure 2, Element 1).

In regards to claim 12, Planet 9 studios discloses a method for generating a photorealistic, 3-D model of a real life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See figure 5). Planet 9 Studios further discloses a method for receiving at least one advertising information item, wherein each advertising information item includes at least one of content information and link information for displaying a corresponding advertisement relative to the photorealistic, 3-D model (See figure 5, Element 1). Planet 9 Studios further discloses a method for

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displaying a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information (See Figure 5, Element 1).

In regards to claim 13, Planet 9 Studios discloses a method for displaying logos in the 3-D photorealistic entity. (See Figure 5, Element 1)

In regards to claim 14, Planet 9 Studios discloses a trade dress item that includes a color scheme. (See figure 5, Element 2)

In regards to claim 15, it is inherent in Planet 9 Studio's invention that a storage device and a processor are used. The remaining part of the claim is in the same context as claim 12; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 14; therefore it is rejected under similar rationale.

In regards to claim 18, it is inherent that a processor is involved in Planet 9 Studios invention. It is also inherent that the processor stores on a storage device a photorealistic, 3-D model of a real-life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity. It is further inherent that the processor transmits, over the information network (i.e. internet), at least one of the photorealistic, 3-D models, the information for rendering the graphical representation of the entity, the

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advertisement, the advertising information item, the content information, and the link information. It is further inherent that another processor receives, over the information network (i.e. internet), at least one of the photorealistic, 3-D models, the information for rendering the graphical representation of the entity, the advertisement, the advertising information item, the content information, and the link information. And lastly it is inherent that the second processor is adapted to display, from the program memory, a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information.

In regards to claim 19, Planet 9 Studios discloses that they are using the Internet to transmit the data. (See Figure 1, Element 3).

Claim 20 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 14; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 12; therefore it is rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Leahy et al. (US 6219045).

In regards to claim 4, Planet 9 Studio teaches all the limitations of claim 1. Planet 9 Studios does not teach a method for interaction between a first party and a second party. Leahy teaches that you can have an interaction parameter that relates to an interaction between a first party and a second party (Figure 1, Element 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studio's invention with the teachings of Leahy in order to obtain an interaction between two different parties with the motivation to provide for graphical interaction between users (Leahy, Column 2, Line 14) and therefore an entertaining experience.

In regards to claim 5, Leahy teaches that two different parties can be represented by an avatar (Figure 1, Element 18).

4. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Bellesfield et al (US 6498982).

In regards to claim 6, Planet 9 studios discloses a method for generating a photorealistic, 3-d model of the real-life entity, wherein the photorealistic, 3-d model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See Figure 1). Planet 9 Studios further teaches a method for determining an orientation relative to the entity, wherein the orientation corresponds to a movement along the route (See Figure 1, Element 2). Planet 9 Studios further teaches a method for displaying a photorealistic, 3-D image of the entity as a function of the orientation and the information for rendering a graphical representation of the entity (See Figure 1). Planet 9 Studios does not teach a method for receiving a first route end point, wherein the first route end point corresponds to a first location relative to the entity. Planet 9 Studios further does not disclose a method for receiving a second route end point; wherein the second route end point corresponds to a second location relative to the entity. Planet 9 Studio also lacks a method for determining a route between the first route end point and the second route end point. Bellesfield teaches that in his invention, "... a user selects, via the user interface, a departure point and a destination point, the routing component employs the routing database to generate and display a route between the selected departure and destination points." (Abstract, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Planet 9 Studios with the teachings of Bellesfield in order to obtain a route from the point of origin to the point of destination with the motivation provided for reducing cost and making the trip planning stage much more efficient. (Bellesfield, Column 1, Line 35).



In regards to claim 9, Bellesfield teaches that his invention renders a bit-mapped image (i.e. 2-D effect, Column 2, Line 19).

5. Claims 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios and Bellesfield et al (US 6498982) in view of Mapquest.com.

In regards to claim 7, Planet 9 Studios and Bellesfield teach all the limitations of claim 6. They do not teach that the route end point corresponds to an area, intersection, an address, a structure, a store, a residence, or a landmark. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Mapquest.com in order to have an address as the end point with the motivation to provide for directions to a certain address.

Claim 8 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 10 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 11 is in the same context as claim 7; therefore it is rejected under similar rationale.

6. Claim 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Lektion et al. (US 6271843).

In regards to claim 23, Planet 9 studios discloses a method for generating a photorealistic, 3-D model of a real life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See figure 5). Planet 9 Studios further discloses a method for receiving at least one advertising information item, wherein each advertising information item includes at least one of content information and link information for displaying a corresponding advertisement relative to the photorealistic, 3-D model (See figure 5, Element 1). Planet 9 Studios further discloses a method for displaying a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information (See Figure 5, Element 1). Planet 9 studios does not teach a method for receiving a revenue stream for each advertisement. Lektion teaches, "The virtual experience includes displaying advertising placards inside the transportation vehicle, displaying billboards outside the transportation vehicle so as to be viewed by the user... As in the real world, this information may comprise advertising means for generating revenue for the author or provider of the three dimensional virtual environment" (Column 7, Line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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Planet 9 Studios with the teachings of Lektion in order to provide revenue to the provider of the software with the motivation provided for earning money.

In regards to claim 24, Planet 9 Studios discloses a method for displaying logos in the 3-D photorealistic entity. (See Figure 5, Element 1)

In regards to claim 25, Planet 9 Studios discloses a trade dress item that includes a color scheme. (See figure 5, Element 2)

7. The prior art made of record and is considered pertinent to applicant's disclosure.

US006219045B1 Leahy et al.

US006271843B1 Lektion et al.

US006498982B2 Bellesfield et al.

<http://www.planet9.com/earth/sydney/index.htm> ,1998

<http://www.planet9.com/earth/newyork/index.htm> ,1997

<http://www.planet9.com/earth/tokyo/index.htm> ,1997

<http://www.mapquest.com> ,1998

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday with the exception of every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100